
(2013) 11 P&H CK 0117
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 25979 of 2013

Guru Ram

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 27-11-2013

Acts Referred:

Citation : (2013) 11 P&H CK 0117

Hon'ble Judges : Surya Kant, J; Surinder Gupta, J

Bench : Division Bench

Advocate : Satbir Rathore, for the Appellant; Hitesh Kaplish, Central Government Standing Counsel for Union of India-Respondent No. 1, Mr. Rishi Kaushal, Advocate for Respondent Nos. 2 and Mr. P.S. Bajwa, Addl. AG, Punjab for Respondent Nos. 3 and 4, for the Respondent

Final Decision : Disposed Off

Judgement

Surya Kant, J.—Notice of motion.

On our asking, Mr. Hitesh Kaplish, Central Government Standing Counsel, accepts notice on behalf of respondent No. 1; Mr. Rishi Kaushal, Advocate, accepts notice on behalf of respondent No. 2 and Mr. P.S. Bajwa, learned Additional Advocate General, Punjab, accepts notice on behalf of respondent Nos. 3 & 4.

Learned counsel for the petitioners has handed-over two copies each of the petition to learned State counsel and learned counsel for respondent Nos. 1 and 2.

In view of the nature of order which we propose to pass, no reply-affidavit is required to be filed by the respondents at this stage.

The petitioners are residents of different villages, namely, Mukerian, Chak Alabaksh, Musahibpur, Tehsil Mukerian, District Hoshiarpur. Their lands, as per the details given below have been acquired by respondent Nos. 1 & 2 under the National Highways Act, 1956 (hereinafter referred to as "1956 Act");

2. The award was passed in CWP No. 25981 of 2013 on 7.5.2011, in CWP No. 25983 of 2013 on 30.4.2011 by the Arbitrator and the same have been challenged by respondent Nos. 1 & 2 before the learned Additional District Judge Jalandhar where the matter is pending. In CWP No. 25984 of 2013 the matter is pending before the Arbitrator after remand by learned Additional District Judge, Jalandhar. In CWP Nos. 25979, 25980, 25982, 25986, 25987, 26008 and 26011 of 2013, the petitioners have received the compensation awarded by the Competent Authority and they have not approached the Arbitrator for enhancement of compensation.

3. The petitioners' main grievance is that while assessing the compensation, the benefit of Sections 23 and 28 of the Land Acquisition Act, 1894 (hereinafter referred to as "1894 Act"), namely, solatium and interest was not granted to them despite the fact that this Court in *M/s. Golden Iron and Steel Forging Vs. Union of India and others*, has categorically held that even in the case of acquisition under the National Highways Act, 1956, the above mentioned two statutory benefits are equally admissible to the affected land-owners. The petitioners also rely upon two decisions of this Court, dated 27.9.2012 passed in CWP No. 7457 of 2012 (*Bhag Singh and another versus Commissioner, Jalandhar Division and others*) (Annexure P-1) and dated 27.9.2012 passed in CWP No. 14642 of 2012 (*Prem Kaur versus Union of India and others*) (Annexure P-2), whereby the benefit of solatium and interest in terms of the above-cited decision of this Court, has been extended to the land-owners whose lands were also acquired alongwith that of the petitioners.

4. Another grievance of the petitioners is that besides submission of applications etc., they are running from pillar to post before the officers of respondent No. 2-National Highways Authority for the release of above-mentioned benefits but the same are with-held only on the plea that no directions have been given by this Court in their case(s). The aggrieved petitioners have now approached this Court.

5. We have heard learned counsel for the parties at some length and gone through the record.

6. The principles laid down by this Court in *Golden Iron and Steel Forgings's* case (*supra*), are not in dispute. Similarly, the fact that the benefit of solatium and interest has been extended by this Court to the land-owners of same acquisition vide order Annexure P-2, can also be hardly disputed. In these circumstances, we are of the view that it is imperative upon respondent Nos. 1 & 2 to consider the petitioners' claim for the grant of solatium and interest in accordance with the decision of this Court in *Golden Iron and Steel Forgings's* case (*supra*). The writ petitions are accordingly disposed of with a direction to respondent No. 3 that let these petitions be treated as applications on behalf of the petitioners under Sections 23 and 28 of the Land Acquisition Act, 1894 read with National Highways Act, 1956 and their claim regarding grant of solatium and interest be determined within a period of three months from the date of receiving a certified copy of this order. The amount found due shall then be released by

respondent Nos. 1 & 2 within a period of one month thereafter. Dasti.